

Entered - 02/04/02 - sb  
CL02L0090 - DIANNE C. MITCHELL

CLAIM OF: **DAVID PENFIELD,**  
through his insurance carrier,  
**Windsor Auto**  
**1112 Copeland Road**  
**Suite 500**  
**Arlington, Texas 76011**

**02-*2*-0288**

For damages alleged to have been sustained as a result of a vehicular accident on November 24, 2001 at North Avenue and Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY:


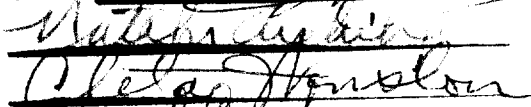
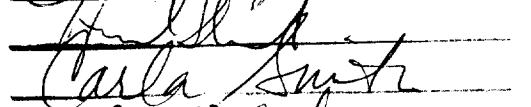


  
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

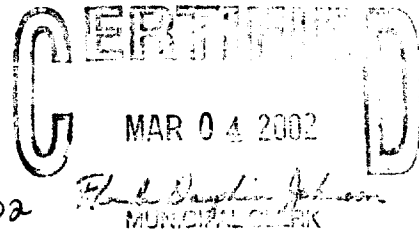
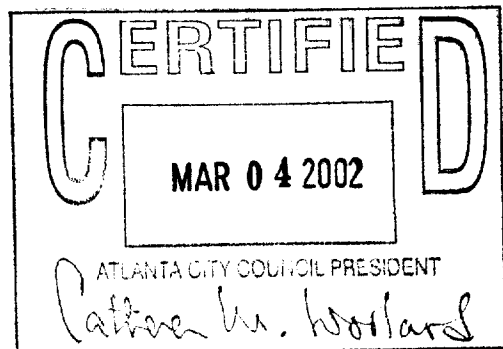
## ADVERSE REPORT

COMM: \_\_\_\_\_

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

March 14, 2002

Windsor Auto Ins.  
Insurance Carrier  
Attn: Subrogation Specialist  
1112 Copeland Road Suite 500  
Arlington, Texas 76011

02-R-0288

RE: David Penfield

Dear Sir/Madam:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim.No. 02L0090

Date: February 15, 2002

Claimant /Victim DAVID PENFIELD  
BY: (Ins. Co.) Windsor Auto  
Address: 1112 Copeland Road, Suite 500, Arlington, Texas 76011  
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$             
Date of Notice: 01/29/02 Method: Written, proper            Improper             
Conforms to Notice: O.C.G.A. §36-33-5            Ante Litem (6 Mo.) X  
Date of Occurrence 11/24/01 Place: North Avenue and Peachtree Street  
Department PRCA Division: Cultural Affairs  
Employee involved Ross Fleming Disciplinary Action: Three Day Suspension

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to a vehicular accident with a City vehicle. The investigation determined that the cause of the accident was due to the driver of the claimant's vehicle making a left turn in front of the driver of the City vehicle. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5.

### INVESTIGATION:

Statements: City employee X Claimant            Others            Written            Oral X  
Pictures            Diagrams            Reports: Police X Dept Report X Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

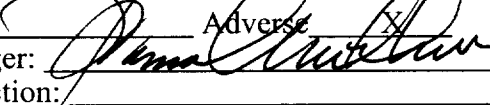
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice X More than Six Months            Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent X City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 02-15-02  
Committee Action:            Council Action

RCS# 3550  
3/04/02  
1:31 PM

Atlanta City Council

Regular Session

CONSENT I      Pgs.1-12;Except02-R-0348;02-R-0350;0380  
02-R-0387;02-R-0347;02-O-0364;02-O-0249  
ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0364  
02-O-0380  
02-O-0249

CONSENT I

**03/04/02 Council Meeting**

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 02-O-0370
2. 02-O-0155
3. 02-O-0200
4. 02-O-0243
5. 02-O-0374
6. 02-O-0371
7. 02-O-0372
8. 02-R-0348
9. 02-R-0350
10. 02-R-0387
11. 02-R-0199
12. 02-R-0209
13. 02-R-0353
14. 02-R-0367
15. 02-R-0383
16. 02-R-0386
17. 02-R-0327
18. 02-R-0328
19. 02-R-0329
20. 02-R-0330
21. 02-R-0331
22. 02-R-0333
23. 02-R-0334
24. 02-R-0339
25. 02-R-0325
26. 02-R-0326
27. 02-R-0345

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

28. 02-R-0203
29. 02-R-0365
30. 02-R-0315
31. 02-R-0316
32. 02-R-0317
33. 02-R-0318
34. 02-R-0319
35. 02-R-0320
36. 02-R-0321
37. 02-R-0322
38. 02-R-0323
39. 02-R-0284
40. 02-R-0285
41. 02-R-0286
42. 02-R-0287

**ITEMS ADVERSE  
ON CONSENT  
AGENDA**

43. 02-R-0288
44. 02-R-0289
45. 02-R-0290
46. 02-R-0291
47. 02-R-0292
48. 02-R-0293
49. 02-R-0294
50. 02-R-0295
51. 02-R-0296
52. 02-R-0297
53. 02-R-0298
54. 02-R-0299
55. 02-R-0301
56. 02-R-0302
57. 02-R-0303
58. 02-R-0304
59. 02-R-0305
60. 02-R-0306
61. 02-R-0307
62. 02-R-0308
63. 02-R-0309
64. 02-R-0310
65. 02-R-0311
66. 02-R-0312
67. 02-R-0313
68. 02-R-0314